

PHILLIP A. TALBERT  
United States Attorney  
KAREN A. ESCOBAR  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
HORACIO ORTEGA-MARTINEZ,  
Aka Horacio Ortega-Diaz,  
  
Defendant.

CASE NO. 1:22-CR-00132-JLT-SKO

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

DATE: November 4, 2022

TIME: 9:00 a.m.

COURT: Hon. Jennifer L. Thurston

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a change of plea on November 4, 2022.
2. By minute order dated October 13, 2022, the Court reset the matter for a change of plea on November 10, 2022 due to the unavailability of the Court.
3. By this stipulation, the parties move to exclude time between November 4, 2022, and November 10, 2022, under 18 U.S.C. §§ 3161(h)(1)(G), 3161(h)(7)(A), and 3161(h)(7)(B)(iv) [Local Code T4, as set forth in General Order No. 479]. , delay resulting from consideration by the court of a proposed plea agreement to be entered into by the defendant and the attorney for the Government
4. The parties agree and stipulate, and request that the Court find the following:

a) The ends of justice are served by the Court excluding such time, so that counsel for the defendant may have reasonable time necessary to review and finalize the plea agreement. Such time is excludable pursuant to 18 U.S.C. §§ 3161(h)(1)(G).

b) Time shall be excluded in the interests of justice, and the ends of justice in endorsing this stipulation through formal order outweigh the best interests of the defendant the public in a speedy trial. Such time is excludable pursuant to 18 U.S.C. §§ 3161 (h)(7)(A), and 3161(h)(7)(B)(iv) [Local Code T4 – see General Order No. 479].

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 13, 2022

PHILLIP A. TALBERT  
United States Attorney

/s/ KAREN A. ESCOBAR  
KAREN A. ESCOBAR  
Assistant United States Attorney

Dated: October 13, 2022

/s/ MELISSA B. BALOIAN  
MELISSA B. BALOIAN  
Counsel for Defendant  
HORACIO ORTEGA-  
MARTINEZ

**ORDER**

IT IS SO FOUND.

IT IS SO ORDERED.

Dated: **October 14, 2022**

  
UNITED STATES DISTRICT JUDGE